

REMARKS

The above amendment is made in response to the Office action of July 3, 2003. Claims 1, 3, 5, 8, and 13-18 have been amended. Claims 1-18 are pending in the present application and stand rejected. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 1-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kirch et al. (U.S. Patent No. 6,324,161) (hereinafter "Kirch"). The rejection is respectfully traversed.

Kirch discloses a multiple network configuration that implements redundancy between nodes both within each individual network of the configuration as well as between nodes of different networks within the configuration.

The Office Action argues that the "availability-database," as claimed in claim 1 is taught by the "internal timing table" disclosed in Kirch. Claim 1 has been amended to recite, *inter alia*, "inserting into a central availability-database a first-data-element...." The "internal timing table," as the name itself implies, is stored internally within a node. Conversely, the present invention, as claimed in claim 1, utilizes a "central availability-database" that is shared between/among watchdogs or application servers. Kirch clearly does not disclose a "*central* availability-database," as claimed in claim 1.

Further, Kirch does not anticipate "inserting into a central availability-database a first-data-element comprising *a notification-period*." The Office Action argues that the "timeout period" (also described as the "timeout interval") disclosed in Kirch teaches the "notification-period," as claimed in Claim 1. Claim 1 essentially claims that the "notification-period [defines] an upper time limit for a repetition period of an availability-

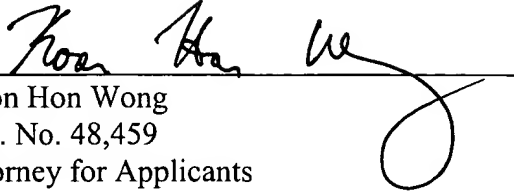
signal being repeated as long as said application-server is available.” On the other hand, Kirch explicitly states that the “timeout interval...defines the deadline by which a node expects *to receive a heartbeat packet* from a node interface in relation to the last time that same node interface received a heartbeat packet from the same sending IP address.” Kirch does not even teach the “availability-signal,” much less “a notification period” setting an upper time limit for repeating the “availability signal.”

It is well-settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. For at least the reasons shown above, Kirch clearly does not teach each and every single claim element of claim 1.

Accordingly, amended claim 1 is believed to be patentably distinct in view of Kirch. Amended independent claims 8 and 13-18 are believed to be patentability distinct in view of Kirch for at least the reasons given for claim 1. Dependent claims 2-7 and 9-12 are believed to be allowable for at least the reasons given for amended independent claims 1 and 8. Withdrawal of the rejection of claims 1-18 is respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

Respectfully submitted,

By: 
Koon Hon Wong
Reg. No. 48,459
Attorney for Applicants

F.CHAU & ASSOCIATES, LLP
1900 Hempstead Turnpike, Suite 501
East Meadow, New York 11554
Telephone: (516) 357-0091
Facsimile: (516) 357-0092